UNITED STATES DISTRICT COURT (NAME OF DISTRICT)

United States	: :	
v.	: No. 3:02cr7	(JBA)
(Defendant)	:	
	SPECIAL VERDICT FORM	
SECTION I. FINDING AS	TO DEFENDANT'S AGE	
	find that the Governmer bt that (defendant) was e offense?	
	YES	
	NO	
Foreperson		

SECTION II. GATEWAY FACTOR (mental state)

For each count:

Do you, the jury, unanimously find that the Government has established beyond a reasonable doubt that (defendant) intentionally participated in an act, contemplating that the life of (victim) would be taken, or intending that lethal force would be used in connection with (victim), a person other than one of the participants in the offense, and that (victim) died as a direct result of the act?

Count	One:	YES	NO
Count	Two:	YES	NO
Count	Four:	YES	NO
Count	Five:	YES	NO

Foreperson

<u>Instructions</u>: If you answered "NO" as to all counts, proceed directly to Section VIII (cross out Sections III, IV, V, VI and VII of this form). Each juror should then carefully read the certification in Section VIII, and sign it if the certification accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to any counts, proceed to Section III on those counts only.

SECTION III. STATUTORY AGGRAVATING FACTORS (1. Payment of Pecuniary Value and 2. Substantial Planning)

For only each count on which you answered "YES" in Section II:

1. Do you unanimously find that the government has established beyond a reasonable doubt that (defendant) procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value?						
Count	One:	YES	NO	Not Applicable*		
Count	Two:	YES	NO	Not Applicable*		
Count	Four:	YES	NO	Not Applicable*		
Count	Five:	YES	NO	Not Applicable*		
* Not applicable because the gateway factor from Section II not proved on this count. 2. Do you, the jury, unanimously find that the Government has established beyond a reasonable doubt that (defendant) committee the offenses of which he has been convicted after substantial planning and premeditation to cause the death of a person?						
Count	One:	YES	NO	Not Applicable*		
Count	Two:	YES	NO	Not Applicable*		
Count	Four:	YES	NO	Not Applicable*		
Count	Five:	YES	NO	Not Applicable*		

Foreperson

^{*} Not applicable because the gateway factor from Section II not proved on this count.

<u>Instructions</u>: If you answered "NO" as to all applicable counts for both statutory aggravating factors, then proceed directly to Section VIII (cross out Sections IV, V, VI and VII of this form). Each juror should then carefully read the certification in Section VIII, and sign it if the certification accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to either of the statutory aggravating factors, proceed to Section IV on the applicable counts.

SECTION IV. NON-STATUTORY AGGRAVATING FACTOR (Leader)

For only those counts on which you answered "YES" in Section II and at least one subpart of Section III:

Do you, the jury unanimously find that the Government has established beyond a reasonable doubt that (defendant) committed the offenses in the counts of conviction in connection with his role as the leader of the (name) Organization?

Count	One:	YES	 NO	 Not Applicable*	
Count	Two:	YES	 NO	 Not Applicable*	
Count	Four:	YES	 NO	 Not Applicable*	
Count	Five:	YES	 NO	 Not Applicable*	

Foreperson

<u>Instructions</u>: Regardless of whether you answered "YES" or "NO" in this Section IV, proceed to Section V, <u>only</u> on those counts on which you answered "YES" in Section II and in at least one subpart of Section III.

^{*} Not applicable because the gateway factor from Section II or both statutory aggravating factors in Section III not proved on this count.

SECTION V. MITIGATING FACTORS

<u>Instructions</u>: For each of the following mitigating factors, you may indicate, in the space provided, whether one or more jurors have found that mitigating factor proved by a preponderance of the evidence.

A finding on a mitigating factor may be made by one or more jurors, and any member of the jury who finds the existence of a mitigating factor must consider such a factor in deciding whether or not a sentence of death shall be imposed, regardless of whether other jurors found that factor proved. In addition, any juror may weigh a mitigating factor found by another juror, whether or not he or she also found that factor.

1.(Associate #1) was extensively involved in all aspects
 of this crime. As such, he is at least as responsible as
 (defendant)in (victim's) murder, but (Assoc. #1) is
 not being prosecuted at all for his participation and
 involvement in this crime. Furthermore, he may well
 receive a sentence reduction on his 11-year drug
 sentence.

One	or more	jurors	found this	factor	proved:	Yes	
						No	
	mc Fc (c ca ar ur th	otorcyclor these defendanter crombareer crombareer charged is murd	#2) was a was e that was e reasons, at) for this siminal with sive time spand violent of der and his are death per	used in he is a crime. In multipean, who extension is a crime and the cr	the murde: t least as (Assoc.: ele crimina: has also Despite l	r of (victor) responsible #2) is also committed a his central l history,	im). le as o a ons over numerous l role in he is no
One	or more	jurors	found this	factor	proved:	Yes	
						No	

	3.(1	Associate #3) introduced (Assoc. #1) to killers. (Assoc. #3) made initial conta killers, may well have negotiated the p killing, and drove away the motorcycle killing after the attack. (Assoc. #3) i as responsible as (defendant) in the co this murder, and he is not facing the d this case.	ct wi rice used s at mmiss	th the for the in the least ion of
One	or mo	re jurors found this factor proved:	Yes	
			No	
	4.	There is no physical, scientific or for which absolutely proves (defendant's) gagainst (defendant) relies on the testi who have motives to fabricate testimony deals to help their own cases with the	uilt. mony and	The case of cooperators who made
One	or mo	re jurors found this factor proved:	Yes	
			No	
	5.	The DEA agent, (name of agent), was the of contact for all three cooperating wi that (agent's) credibility is in any wa concern about the reliability of the te three cooperators, and reduces the cert this case.	tness y in stimo	es. The fact doubt raises ny of the
One	or mo	re jurors found this factor proved:	Yes	
			No	
	6.	There is lingering doubt about (defenda though those doubts did not rise to the "reasonable doubt" in deliberation of t evidence.	leve	lof
One	or mo	re jurors found this factor proved:	Yes	
			No	

	7.(\	<pre>/ictim) contributed directly to the chai that led to his death, as he committed against (Assoc. #1) and others and thre additional acts of violence.</pre>	acts	of violence
One	or mo	re jurors found this factor proved:	Yes	
			No	
	8.	Prior to the death of (victim), (defend never been convicted of any criminal of his sentencing in federal court on drug January 1998, he had never before been	fense char	. Prior to ges in
One	or mo	re jurors found this factor proved:	Yes	
			No	
	9.	Other than this case, (defendant) has n involved in any serious acts of violence		been
One	or mo	re jurors found this factor proved:	Yes	
			No	
	10.	Between the time of his arrest in (date sentencing in federal court on (date), was released on bond. While on bond he attended all court hearings, appeared i guilty to the federal drug charges, and appeared for sentencing, knowing the go seeking a sentence of at least thirty y potentially life in prison.	(defe volun n cou then vernm	ndant) tarily rt and pled voluntarily ent was
One	or mo	re jurors found this factor proved:	Yes	
			No	

	11.(Defendant) was gainfully employed on a basis before his incarceration in (date	
One	or more jurors found this factor proved:	Yes
		No
	12.(Defendant) has shown kindness and conce people in his community.	rn for other
One	or more jurors found this factor proved:	Yes
		No
	13. In (year), (defendant) rescued his son and neglectful situation at the hands o boyfriend. Since that time, he has procaring environment for his son, both on the help of his family.	f his ex-wife's vided a loving and
One	or more jurors found this factor proved:	Yes
		No
	14.(Son's name) loves his father very much, of (defendant) would have a particularl on this young man.	
One	or more jurors found this factor proved:	Yes
		No
	15. During the time (defendant) was in a re (name), he became a father in every sen her children, (name) and (name), though their biological father. They love and deeply as he continues to play a role i The execution of (defendant) would have harsh impact on these young people.	se to he is not respect him n their lives.
One	or more jurors found this factor proved:	Yes
		No

	16. Prior to and since his incarceration (been a loving father, uncle, son and b family members, and his execution woul impact on his entire family.	rother to his
One	or more jurors found this factor proved:	Yes
		No
	17.(Defendant) has been a model prisoner a conformed his conduct to the rules of of Prisons since he began his incarcer	the Federal Bureau
One	or more jurors found this factor proved:	Yes
		No
	18.(Defendant) has studied for and receive School Equivalency Diploma, has partic educational and counseling programs, a available opportunities for education within the Federal Bureau of Prisons, incarceration began on (date).	ipated in other nd has pursued and personal growth
One	or more jurors found this factor proved:	Yes
		No
	19.(Defendant) has been regularly employed prison, and has consistently received excellent work evaluations, since his on (date).	favorable or
One	or more jurors found this factor proved:	Yes
		No
		

		will gain	dant) is grant a man of control of control of the desired that are also becomes a control of the desired that are also	demonstrat	· -		_
One	or mor	e jurors	found this	factor pr	oved:	Yes	
						No	
) has shown nd serves a				
One	or mor	e jurors	found this	factor pr	oved:	Yes	
						No	
		staff, an) has conting the day of the day	tive action	ns within	the pr	rison have
One	or mor	e jurors	found this	factor pr	oved:	Yes	
						No	
		Defendant qualities) is a huma	an being w	ith many p	positiv	<i>1</i> e
One	or mor	e jurors	found this	factor pr	oved:	Yes	
						No	
	24.	The evide to those imprisonn					in additior nce of life
One	or mor	e jurors	found this	factor pr	oved:	Yes	
						No	

In addition to the mitigating factors outlined above, you may write in any additional mitigating factors that any member of the jury finds. If you need additional space, write "CONTINUED" at the bottom of the page and use the back of this page.

Additional Factor Found (A)	
One or more jurors found this factor proved:	Yes
Additional Factor Found (B)	
One or more jurors found this factor proved:	Yes No
Additional Factor Found (C)	
One or more jurors found this factor proved:	Yes No
Additional Factor Found (D)	
One or more jurors found this factor proved:	Yes No

Instructions: Go to Sections VI and VII.

SECTION VI. WEIGHING

Do you unanimously find beyond a reasonable doubt that the aggravating factor(s) found to exist sufficiently outweigh all of the mitigating factors, or in the absence of mitigating factors, that the aggravating factor(s) themselves justify a sentence of death?

Count	One:	YES	 NO	 Not	Applicable*	
Count	Two:	YES	 NO	 Not	Applicable*	
Count	Four:	YES	 NO	 Not	Applicable*	
Count	Five:	YES	 NO	 Not	Applicable*	

Foreperson

Please proceed to Section VII: Sentencing Determination.

^{*} Not applicable because the gateway factor from Section II or both statutory aggravating factors in Section III not proved on this count.

Section VII. SENTENCING DETERMINATION

The three possible sentencing determinations are found on the following pages:

- A (p. 15) if you unanimously find that (defendant) shall be sentenced to a sentence of life imprisonment without possibility of release.
- **B** (p. 16) if you unanimously find that (defendant) shall be sentenced to death.
- ${f C}$ (p. 17) if you are unable to reach a unanimous decision either way. In such circumstance, the Court will impose a sentence of life imprisonment without possibility of release on (defendant).
- All twelve jurors must sign the section that accurately reflects the result of your deliberation.

We determine, by unanimous vote, that (defendant) shall be sentenced to life imprisonment without possibility of release.

Check	<pre>any applicable count(s):</pre>	
Count	One:	
Count	Two:	
Count	Four:	
Count	Five:	
Juror	Signatures:	
1.		7.
2.		8.
3.		9.
4.		10.
5.		11.
6.		12.
Date:		

В.	Dea	th	Sen	tenc	e
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Date:

We	dete	rmine,	by	unanimous	vote,	that	(defendant)	shall	be
sentence	ed to	death							

Count One: Count Two:	
Count Four:	
Count Five:	
Juror Signatures:	
1. 7.	
2. 8.	
3. 9.	
4. 10.	
5. 11.	
6. 12.	

C. Court Imposed Sentence of Life in Prison Without Possibility of Release

We, the jury, are unable to reach a unanimous verdict either in favor of a life sentence or in favor of a death sentence. We understand that the consequence of this is that (defendant) will be sentenced to life imprisonment without the possibility of release by the Court.

Check any applicable count(s):	
Count One:	
Count Two:	
Count Four:	
Count Five:	
Juror Signatures:	
1.	7.
2.	8.
3.	9.
4.	10.
5.	11.
6.	12.
Date:	

SECTION VIII. CERTIFICATION

By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or the victim was not involved in reaching his or her individual decision, and that the individual juror would have made the same recommendation regarding a sentence for the crime or crimes in question regardless of the race, color, religious beliefs, national origin, or sex or the defendant, or the victim.

Juror Signatures:

1.	7.
2.	8.
3.	9.
4.	10.
5.	11.
6.	12.

The foregoing responses reflect the jury's determinations in the sentencing phase.

So say we all, dated at (City), (State), this $\underline{\text{day of}}$ (date), at $\underline{\text{o'c}}$ lock a.m./p.m.

Signature of Foreperson